

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

MICHAEL DEL VILLAR,

Defendant.  
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/11/22
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20-CR-295 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Defendant Michael Del Villar was arrested on or about March 9, 2020;

WHEREAS Mr. Del Villar was subsequently released on bail conditions including a \$150,000 personal recognizance bond cosigned by three sureties and restriction to home detention, among other conditions;

WHEREAS on November 20, 2021, Mr. Del Villar tampered with his electronic monitoring bracelet, absconded from Pretrial Services supervision in violation of the conditions of his release, and is presently a fugitive; and

WHEREAS on November 23, 2021, the Government moved pursuant to Federal Rule of Criminal Procedure 46(f) for an order: (1) declaring forfeited the \$150,000 personal recognizance bond executed by Mr. Del Villar and sureties Kimberly Aguilar, Geovanni Aguilar, and Rodolfo Torres; and (2) entering judgment in the amount of \$150,000 in favor of the United States of America against Mr. Del Villar and sureties Kimberly Aguilar, Geovanni Aguilar, and Rodolfo Torres, Dkt. 147;

WHEREAS a hearing was held on Tuesday, December 14, 2021, at which Mr. Torres had been ordered to show cause why forfeiture should not be granted and judgment entered against him in the amount of \$150,000;

WHEREAS Mr. Torres did not appear at the December 14, 2021, hearing;

WHEREAS the Court entered judgment against Mr. Torres, Dkt. 145;

WHEREAS a hearing was held by telephone on January 11, 2022, at 1:00 p.m. for Ms. and Mr. Aguilar to show cause why forfeiture should not be granted and judgment entered against them in the amount of \$150,000;

WHEREAS all three sureties, including Mr. Torres, appeared at the January 11, 2022, conference;

WHEREAS Mr. Torres indicated he had been unaware of the December 14, 2021, hearing and had not received the Court's prior mailings; and

WHEREAS Ms. and Mr. Aguilar, through their counsel, requested additional time to submit evidence of their financial circumstances as a reason why the Court should not enter judgment against them;

IT IS HEREBY ORDERED that the judgment against Mr. Torres is DISSOLVED.


IT IS FURTHER ORDERED that by no later than **Tuesday, January 25, 2022**, all three sureties must submit whatever materials they intend to provide the Court so that the Court may make a decision whether to enter judgment in the amount of \$150,000, joint and several, against Ms. Aguilar, Mr. Aguilar, and Mr. Torres. If Mr. Torres is going to proceed *pro se*, he must mail any materials he wants to court to consider to Pro Se Office (Room 200), 500 Pearl Street, New York, NY 10007, or follow the instructions to file materials via email at [nysd.uscourts.gov/prose](mailto:nysd.uscourts.gov/prose).

IT IS FURTHER ORDERED that the Government shall serve a copy of this Order on the Clerk of the Court, who is the authorized agent for service under Federal Rule of Criminal Procedure 46(f)(3)(B).

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to serve a copy of this Order on sureties Kimberly Aguilar, Geovanni Aguilar, and Rodolfo Torres at their last known addresses, as required under Rule 46(f)(3)(C). The Clerk of Court is further directed to serve a copy of the items at Docket Entries 147, 148, 154, and 155 on Mr. Torres. The Clerk is further directed to note all mailings on the docket.

**SO ORDERED.**

**Date: January 11, 2022**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**